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*Attorneys for Defendant  
Toyota Motor Credit Corporation*

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA,  
SAN FRANCISCO DIVISION**

ERIC ALLEN,

Plaintiff,

vs.

TOYOTA MOTOR CREDIT  
CORPORATION,

Defendant.

) Case No.: 19-CV-03062-SK  
)  
)

) **DECLARATION OF JACQUELINE  
HARVEY IN SUPPORT OF TOYOTA  
MOTOR CREDIT CORPORATION'S  
MOTION FOR SUMMARY  
JUDGMENT**  
)

) Date: Aug. 31, 2020  
) Time: 9:30 a.m.  
) Dept.: Courtroom C  
) Judge: The Honorable Sallie Kim  
)

) *[Filed concurrently with Defendant's Notice  
and Motion for Summary Judgment;  
Declarations of Andrea Slaymaker and  
Jennifer McMahon; [Proposed] Order]*  
)

Holland & Knight LLP  
50 California Street, Suite 2800  
San Francisco, CA 94111  
Tel: 415.743.6900  
Fax: 415.743.6910

1 I, Jacqueline N. Harvey, declare and state as follows:

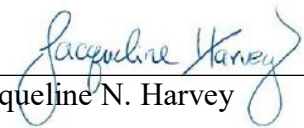
2 1. I am an attorney licensed to practice law in the State of California and the United  
3 States District Court for the Northern District of California. I am an attorney in the San Francisco,  
4 California Office of the law firm of Holland & Knight LLP and I am counsel for Defendant Toyota  
5 Motor Credit Corporation ("TMCC") in this action. I make this Declaration in Support of TMCC's  
6 Motion for Summary Judgment. The facts stated in this Declaration are based on my personal  
7 knowledge and, if called upon to do so, I could and would competently testify thereto.

8 2. Attached as **Exhibit 1** is a true and correct copy of Plaintiff Eric Allen's Answers to  
9 Special Interrogatories Propounded by Defendant TMCC, Set No. One.

10 3. Because Plaintiff's answers do not include the interrogatories, I have also attached a  
11 true and correct copy of the corresponding Special Interrogatories to Plaintiff. Attached as **Exhibit**  
12 **2** is a true and correct copy of Defendant's Special Interrogatories, Set No. One.

13 I declare under penalty of perjury under the laws of California and the United States of  
14 America that the foregoing is true and correct to the best of my knowledge and belief.

15 Executed this 27th day of July 2020 at San Francisco, California.

16  
17   
18 \_\_\_\_\_  
19 Jacqueline N. Harvey  
20  
21  
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23  
24  
25  
26  
27  
28

# **Exhibit 1**

Eric Allen  
424 Violet Road  
Hercules, CA 94547  
Tel. 510.388.5108  
Email: ewallen2@aol.com  
Plaintiff, *In pro se*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ERIC ALLEN,

Plaintiff,

v.

TOYOTA MOTOR CREDIT  
CORPORATION, and DOES 1 to 10,

Defendants.

Case No.: 19-cv-03062-SK

PLAINTIFF ERIC ALLEN'S ANSWERS TO  
SPECIAL INTERROGATORIES  
PROPOUNDED BY DEFENDANT  
TOYOTA MOTOR CREDIT  
CORPORATION, SET NO. ONE

JUDGE: Honorable Sallie Kim

PROPOUNDING PARTY: Defendant, Toyota Motor Credit Corporation

RESPONDING PARTY: Plaintiff, Eric Allen

SET NUMBER: One

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure and responds to Special Interrogatories to plaintiff, set no. one. Said responses are based on discovery, investigation, and information ascertained to date, and plaintiff reserves the right to amend, delete, modify or expand on said answers in light of further discovery and investigation.

1 **ANSWER TO INTERROGATORY NO. 1:**

2 Damage to credit \$10,000.00. Emotional distress \$10,000.00. Inconvenience \$10,000.00. Costs  
3 of suit are undetermined at this time.

4 **ANSWER TO INTERROGATORY NO. 2.:**

5 TMCC reported that my account had 17 late or missed payments. This was not true. Toyota  
6 reported the balance on the account as \$6,878.00. This was not true. The correct balance should  
7 have been \$4,699.09. The account is almost 8 years old. TMCC reported information which was  
8 more than 7 years old.

9 **ANSWER TO INTERROGATORY NO. 3.:**

10 2/1/19

11 **ANSWER TO INTERROGATORY NO. 4.:**

12 TMCC's false and inaccurate reporting of credit information caused plaintiff's credit score to  
13 drop 29 points on Transunion and 68 points on Equifax. Plaintiff was in the process of applying  
14 jointly for a mortgage with his wife. Plaintiff was dissuaded from making further application for  
15 a mortgage after TMCC's reporting of the false and inaccurate information on his credit report.

16 **ANSWER TO INTERROGATORY NO. 5:**

17 Plaintiff filed for bankruptcy in or about April 2016. The case was dismissed in or about April  
18 2019. The case number is 16-40854. Plaintiff filed for bankruptcy in 2009. The case number is  
19 unknown. Plaintiff believes the bankruptcy was discharged. Plaintiff is not sure about the dates  
20 of filings of any other bankruptcies.

21 **ANSWER TO INTERROGATORY NO. 6.:**

22 The specific information is the same as in plaintiff's answer to interrogatory number 2 above.

23 **ANSWER TO INTERROGATORY NO. 7.:**

24 The specific information is the same as in plaintiff's answer to interrogatory number 2 above.

25 Dated: October 9, 2019

26  
27 By:   
28 Eric Allen, Plaintiff

## **Exhibit 2**

HOLLAND & KNIGHT LLP  
Vince Farhat (SBN: 183794)  
Juan M. Rodriguez (SBN: 313284)  
400 South Hope Street, 8th Floor  
Los Angeles, CA 90071  
Tel.: 213.896.2400  
Fax: 213.896.2450  
E-mail: Vince.Farhat@hklaw.com  
Juan.Rodriguez@hklaw.com

*Attorneys for Defendant*  
**TOYOTA MOTOR CREDIT  
CORPORATION**

**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

ERIC ALLEN,

Plaintiff,

vs.

TOYOTA MOTOR CREDIT  
CORPORATION,

Defendant.

Case No.: 19-cv-03062-SK

(Contra Costa County Superior Court Case  
No. RSC19-0177)

**DEFENDANT TOYOTA MOTOR  
CREDIT CORPORATION'S SPECIAL  
INTERROGATORIES, SET ONE, TO  
PLAINTIFF ERIC ALLEN**

Trial Date: None

PROPOUNDING PARTY: DEFENDANT TOYOTA MOTOR CREDIT  
CORPORATION

RESPONDING PARTY: PLAINTIFF ERIC ALLEN

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Toyota Motor Credit Corporation (“Propounding Party”) propounds the following special interrogatories on Eric Allen (“Responding Party”), and requests that he answer them in full, and under oath in writing, within thirty (30) days of service hereof.

These interrogatories must be answered with reference to all information in the possession of you or your agents, including attorneys and investigators, and all information that you or your agents may obtain by the exercise of due diligence. If you are unable to answer an interrogatory in full, a response should be made to the extent possible and the reason for the inability to provide a complete and unqualified response should be clearly stated.

### **DEFINITIONS**

1. As used herein, the term “YOU” or “PLAINTIFF” means Eric Allen, in any capacity, and any of his attorneys, agents, employees, partners, contractors, or any other PERSON(S) acting or purporting to act on his behalf.

2. As used herein, the term “TMCC” or “DEFENDANT” means and refers to Toyota Motor Credit Corporation, and any of its attorneys, agents, employees, partners, contractors, or any other PERSON(S) acting or purporting to act on its behalf.

3. As used herein, the term “RELATING,” “RELATING TO,” OR “EVIDENCING” means and includes means, supporting, referring to, relating to, including memorializing, reflecting, evidencing, embodying, containing, constituting, identifying, stating, being relevant to, concerning, refuting, proving, disproving, negating, contradicting, mentioning, discussing, comprising, summarizing, describing, reflecting, containing, referring to, depicting, connected with, embodying, evidencing, constituting, concerning, reporting, or involving an act, occurrences, event, communication, transaction, fact, opinion, thing, OR course of dealing.

4. As used herein, the term “IDENTIFY” means: (1) when applied to a person, state the person’s (i) full name, (ii) current or last-known business affiliation, (iii) current or last known business and residential address, and (iv) current or last-known business and residential telephone numbers; (2) when applied to an entity, state its full name, its physical address, its telephone



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number(s) and its principal place of business; and (3) when applied to DOCUMENTS, state the date, author, recipient, subject matter, title and present location of the DOCUMENT. All other instances of “IDENTIFY” should be afforded their common usage.

5. As used herein, the term “DOCUMENT(S)” shall mean and refer to the originals, and all non-identical duplicates whether different from the originals because of notes made on such copies OR otherwise, of all writing, including, but not limited to, letters, electronic emails or e-mails, memoranda, notes, proposals, records, books, graphs, charts, surveys, telegrams, mailgrams, computer-stored data OR databases, computer printouts, photographs, films, videotapes, audiotapes, and any other medium of any type whatsoever capable of storing and retrieving data.

6. As used herein, the term “COMMUNICATION” or “COMMUNICATIONS” means any oral utterance, written expression, statement or utterance, or conduct, of any nature whatsoever, AND by whomsoever made, including, but not limited to, correspondence, conversations, e-mail AND other electronic communications, telecommunications, negotiations, meetings, speeches, memoranda, letters, notes, statements OR questions.

7. As used herein, the term “PERSON” OR “PERSONS” shall mean any natural individual acting in any capacity whatsoever and any entity or organization, including, without limitation, a corporation, municipal corporation, partnership, joint venture, firm, trust, group, association, governmental agency, commission, bureau or department, and any division or other unit thereof.

### **SPECIAL INTERROGATORIES**

#### **SPECIAL INTERROGATORY NO. 1:**

Please itemize, in full and complete detail, all damages which YOU seek to recover in this action.

#### **SPECIAL INTERROGATORY NO. 2:**

Please describe in full and complete detail, the exact and specific information YOU allege TMCC “reported as inaccurate and false information” on YOUR credit report.

**SPECIAL INTERROGATORY NO. 3:**

Please state the date of YOUR last car payment to TMCC.

**SPECIAL INTERROGATORY NO. 4:**

Please describe in detail how YOU have been damaged by TMCC.

**SPECIAL INTERROGATORY NO. 5:**

Please state the date filed, case number and outcome for any bankruptcy case(s) which YOU have filed in the past 15 years.

**SPECIAL INTERROGATORY NO. 6:**

Please describe in full and complete detail, the exact and specific information YOU allege is an “unfair and deceptive business practice.”

**SPECIAL INTERROGATORY NO. 7:**

Please describe in full and complete detail, the exact and specific information YOU allege is “old information reported as new or re aged” by TMCC.

Dated: September 11, 2019

HOLLAND & KNIGHT LLP

By:   
Juan M. Rodriguez  
Attorneys for Defendant Toyota Motor Credit  
Corporation

**PROOF OF SERVICE**

State of California )  
 ) ss.  
 County of Los Angeles )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 400 South Hope Street, 8<sup>th</sup> Floor, Los Angeles, California 90071.

On **September 11, 2019**, I served the document described as **DEFENDANT TOYOTA MOTOR CREDIT CORPORATION'S SPECIAL INTERROGATORIES, SET ONE, TO PLAINTIFF ERIC ALLEN** on the interested parties in this action:

**☒ BY FIRST CLASS MAIL**

Following ordinary business practices, I placed the document for collection and mailing at the offices of Holland & Knight LLP, 400 South Hope Street, 8<sup>th</sup> Floor, Los Angeles, CA 90071, in a sealed envelope. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service, and, in the ordinary course of business, such correspondence would be deposited with the United States Postal Service on the day on which it is collected at the business.

Eric Allen  
 424 Violet Rd.  
 Hercules, CA 94547  
*In Pro Per*

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed on **September 11, 2019**, at Los Angeles, California.

  
 Ericka Mendez

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